

WORKCOVER ADMINISTRATION BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The WorkCover Legislation (Amendment) Bill 1989 is cognate with this Bill.

The object of this Bill is to provide for the constitution and functions of the WorkCover Authority of New South Wales and the Occupational Health, Safety and Rehabilitation Council of New South Wales.

The WorkCover Authority is a continuation of the Workers Compensation and Rehabilitation Authority (formerly the State Compensation Board) constituted under the Workers Compensation Act 1987. In addition to its continuing functions under that Act, the WorkCover Authority is also to be responsible for the administration of the occupational health and safety legislation (formerly part of the responsibilities of the Department of Industrial Relations and Employment and the Occupational Health, Safety and Rehabilitation Council).

The Occupational Health, Safety and Rehabilitation Council, at present constituted under the Occupational Health and Safety Act 1983, is to be reconstituted. The Council's membership is to retain representatives from the trade unions and from employer groups. However, the Government representatives are to be nominated by the Minister instead of specified in the Act. Under the proposed Act the Council is to be an advisory body.

PART 1 - PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

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Clause 3 defines expressions used in the proposed Act.

PART 2 - THE WORKCOVER AUTHORITY OF NEW SOUTH WALES

Division 1 - Constitution of Authority

Clause 4 constitutes the WorkCover Authority of New South Wales.

Division 2 - Management of Authority

Clause 5 provides for the Board of Directors of the Authority. The Board will consist of the General Manager of the Authority and 6 part-time directors.

Clause 6 provides that the Board of Directors determines the policies of the Authority.

Clause 7 provides for the appointment of a General Manager of the Authority.

Clause 8 requires the General Manager to manage and control the affairs of the Authority in accordance with the policies of the Board of Directors.

Clause 9 provides that the General Manager and the Board of Directors are subject to the control and direction of the Minister.

Clause 10 authorises the Authority to employ staff.

Clause 11 authorises the Authority to delegate its functions to certain persons.

Division 3 - Functions of Authority

Clause 12 specifies the general functions of the Authority. The Authority is to administer the occupational health and safety legislation and the workers compensation legislation.

Clause 13 specifies various miscellaneous functions of the Authority.

PART 3 - THE OCCUPATIONAL HEALTH, SAFETY AND REHABILITATION COUNCIL OF NEW SOUTH WALES

Clause 14 constitutes the Occupational Health, Safety and Rehabilitation Council of New South Wales.

Clause 15 provides for the Council to consist of 9 members.

Clause 16 provides that the function of the Council is to advise the Authority on matters relating to occupational health, safety and rehabilitation.

Clause 17 authorises the Council to establish committees to assist the Council.

PART 4 - FINANCIAL PROVISIONS

Clause 18 requires the Authority to establish a WorkCover Authority Fund.

Clause 19 deals with payments into and from the Fund.

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Clause 20 authorises the Authority to invest money held by it.

Clause 21 provides for the financial year of the Authority.

PART 5 - MISCELLANEOUS

Clause 22 provides that the Authority is entitled to inspect and copy documents in the Compensation Court Registry.

Clause 23 protects directors of the Board of Directors, members of the Authority, members of the Council and others from personal liability in respect of actions in good faith under the authority of the proposed Act.

Clause 24 provides for the keeping and affixing of the seal of the Authority.

Clause 25 provides for the way in which documents may be served on the Authority.

Clause 26 enables the Authority to recover charges due to it as a debt.

Clause 27 provides for proceedings for offences.

Clause 28 is a general regulation making power.

Clause 29 gives effect to the Schedule of savings and transitional provisions (proposed Schedule 4).

Schedule 1 makes provision as to directors and procedure of the Board of Directors, including provision as to the appointment of a Chairperson and Deputy Chairperson, deputies of directors, terms of office of directors, remuneration, vacancies, disclosure of pecuniary interests, general procedure, quorums and voting.

Schedule 2 makes provision in relation to the General Manager of the Authority, including provision as to an acting General Manager, term of office, remuneration, vacancies, preservation of rights and entitlement to re-appointment to former position.

Schedule 3 makes provision in relation to the members and procedure of the Council, including provision as to deputies of members, terms of office, allowances, vacancies, general procedure, quorum and voting.

Schedule 4 contains savings and transitional provisions relating to the continuity of the Authority, existing executive officers and directors, the Workers Compensation and Rehabilitation Fund and the dissolution of the former Council and Insurance Premiums Committee.
